RECEIVED

CENTRAL FAX CENTER

NOV 1 4 2006

PTO/SB/17 (07-08)
Approved for use through 01/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

	Complete if Known	
Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).	Application Number	09/836,397
FEE TRANSMITTAL	Filing Date	04/17/2001
For FY 2006	First Named Inventor	Hark C. Chan
	Examiner Name	Nano, Sargon N
☐ Applicant claims small entity status. See 37 CFR 1.27	Art Unit	2157
TOTAL AMOUNT OF PAYMENT ($) 500.00	Attorney Docket No.	LOCREM-01

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account   Deposit Account Number: 03-1243   Deposit Account Name: H.C. Chan

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Application Type	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP = _____	x _____	= _____	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP = _____	x _____	= _____	

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, $130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief

Fees Paid ($) 500.00

SUBMITTED BY		
Signature	Registration No. (Attorney/Agent)	Telephone
Name (Print/Type) H. C. Chan		Date 11/14/2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

NOV 1 4 2006

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/836,397
Filing Date	04/17/2001
First Named Inventor	Hark C. Chan
Art Unit	2157
Examiner Name	Nano, Sargon N
Total Number of Pages In This Submission	14
Attorney Docket Number	LOCREM-01

ENCLOSURES   (Check all that apply)

- [X] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53

- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD

- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [X] Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	
Signature	*(signature)*
Printed name	Hark C. Chan
Date	11/14/2006
Reg. No.	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	*(signature)*
Typed or printed name	Hark C. Chan
Date	11/14/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

NOV 1 4 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Hark C. Chan	Examiner:	Nano, Sargon N
Serial No.:	**09/836,397**	Group Art Unit:	2157
Filed:	4/17/2001	Docket No.:	LOCREM-01
Title:	A DATA DELIVERY SYSTEM USING LOCAL AND REMOTE COMMUNICATIONS		

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits the present appeal brief within two months of the mailing of the previous filed Notice of Appeal. The commissioner is hereby authorized to charge $500 for filing this appeal brief, or any other fees which may be required, to deposit account 03-1243.

11/16/2006 EFLORES 00000123 031243 09836397
01 FC:1402 500.00 DA

Ser. No. 09/836,397 1

(i) **Real party in interest**

The real party in interest is the applicant, Hark C. Chan.

(ii) **Related appeals and interferences**

None.

(iii) **Status of claims**

Nineteen claims (2-20) are now pending in the application. All of them are rejected.

(iv) **Status of amendments**

A Final Office Action was mailed June 21, 2006. Applicant filed a "Response to Final Rejection" on July 20, 2006. No amendment to the claims was made in the "Response to Final Rejection." An Advisory Action was mailed August 11, 006. It states that the "Response to Final Rejection" is not entered.

(v) **Summary of claimed subject matter**

The present invention is directed to a system for communication through a wide area network (e.g., 110). The system comprises an apparatus (e.g., 130) and at least one portable unit (such as 180). The apparatus comprises a wide area interface (e.g., 140) and a wireless local interface (e.g., 142). The portable unit comprises a wide area interface (e.g., 188) and a wireless local interface (e.g., 186). The wide area interfaces of the apparatus and the portable unit can communicate with each other via the wide area network. The wireless local interfaces of the apparatus and the portable unit can communicate with each other when they are located within a short distance from each other (relative to the wide area communication). At least one

of the apparatus and the portable unit generates non-deterministic digital contents at multiple times without user action at these times. An example of a non-deterministic digital content is a digital code generated by a random number generator. The device that generates the non-deterministic digital contents (e.g., the portable unit) delivers it to the non-generating device (e.g., the apparatus). The apparatus and the portable unit then use the digital contents as identification in communication through the wide area network.

The present invention is also directed to a method for an apparatus (e.g., 130) and at least one portable unit (e.g., 180) to communicate through a wide area network (e.g., 110). At least one of the apparatus and the portable unit generates non-deterministic digital contents at multiple times without user action at these times. When the apparatus and the portable device are close to each other (relative to the wide area communication), the non-deterministic digital content is wirelessly delivered from the generating device to the other device. The digital content can be used as identification in communication between the apparatus and the portable unit via the wide area network.

(vi)   Grounds of rejection to be reviewed on appeal

Whether claims 2-20 are anticipated by Multer (U.S. Pat. No. 6,757,696) under 35 U.S.C. 102(e)

(vii)   Arguments

(A)   Claims 2, 3, 12 and 13 are patentable because Multer does not teach generation of non-deterministic contents

The Examiner argued that Multer teaches generation of non-deterministic contents both in the Advisory Action and Final Office Action. Applicant responds to arguments in both Actions sequentially.

Ser. No. 09/836,397   3

(1) Final Office Action Rejection:

(a)   Claim 3

Claim 3 recites the use of a random number generator to generate digital contents. In rejecting claim 3, the Examiner stated that col. 45, lines 35-40, of Multer teach the use of a random number generator to generate the digital contents (see page 4 of the Final Office Action). Col. 45, lines 35-40 (correspond to claim 6 of Multer) recite: "The controller of claim 5 wherein data migration between the first network coupled device and the second network device takes place in the form of at least one transaction and the unique identification generator provides a unique identification to each of said at least one transaction." Nothing in the quoted sentence indicates that a random number generator is used. The Examiner might have identified the "unique identification generator" with a random number generator. Note that a random number generator **can generate repeat numbers** (e.g., the same face can appear when a dice is thrown two consecutive times). As a result, it is unlikely that a random number generator is used as the unique identification generator. On the other hand, a simple way to generate unique identification is to generate monotonically increasing numbers (e.g., 1, 2, 3, etc.). In this way, all the numbers are unique. Note that these numbers and the corresponding generator are deterministic. Thus Multer does not teach a random number generator and does not anticipate claim 3.

(b)   Claim 2

Claim 2 recites that at least one member of said apparatus and said at least one portable unit generates non-deterministic digital contents at multiple times without user action at these times. The Examiner quoted col. 5 line 50 to col. 7 line 64 together with figures 2-5 in Multer to support his argument that Multer teaches generation of "non-deterministic data". Specifically, the Examiner stated that Multer discloses a synchronizer of a data system that generates and allows different information delta "non-deterministic data" to be transmitted from system A to system B. However, the "delta" in Multer is not non-deterministic. Multer

Ser. No. 09/836,397   4

PAGE 6/14 * RCVD AT 11/14/2006 1:14:49 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/3 * DNIS:2738300 * CSID:14082280875 * DURATION (mm-ss):03-52

describes "delta" as follows: "Difference information Δ comprises only the changes to System B's data which have occurred on System B and instructions for implementing those changes." (col. 5, lines 27-30). The changes are not random and are caused by conscious action by a user of System B. These changes are determined by the user. In fact, a good system strives to keep out random data (e.g., some memory systems have error correction ability, such as parity bits), let alone using complicated mechanism to preserve random data.

The Examiner's argument for "non-deterministic data" is further undercut by the failure to find a random number generator in Multer, as discussed above in connection with claim 3. Thus Multer does not anticipate claim 2.

(c)   Claims 12 and 13

Claim 12 recites "generating non-deterministic digital contents" and claim 13 recites a random number generator. For the reasons stated in connection with the discussion of claims 2 and 3, Multer does not anticipate claims 12 and 13.

(2) Advisory Action Rejection:

In the Advisory Action the Examiner states that: "Multer teaches that UUID is dynamically created and since it is dynamically created it cannot predicted in advance especially because of its uniqueness, therefore the UUID is non-deterministic content."

"UUID" stands for "universally unique ID" (see col. 12, line 13 of Multer). Col. 38, lines 10-12 of Multer states: "Each piece of content is referred to as an object and is uniquely represented by a Universally Unique Identifier (UUID)." As discussed above in connection with the Final Office Action rejection, "unique numbers" are not random numbers. A deterministic mechanism should be used to generate unique numbers (e.g., a set of monotonically increasing numbers). On the other hand, a random number generator may produce repeat numbers. Thus, UUID does not teach or suggest non-deterministic content.

In addition, the words "dynamically created" also do not teach or suggest non-deterministic content. "Dynamically created" merely specifies the time of generation and not the content of the UUID. Even assuming that the time of generation is random, the content can be perfectly deterministic. As an example, a data processing machine can be designed to count the number of time a dog barks. The machine generates a count (e.g., 1, 2, 3, etc.) each time the dog barks. Each count is a monotonically increasing number and it is dynamically generated (e.g., generated immediately after the dog barks). The count is unique (each number in the series is different); however, it is deterministic (e.g., 1, 2, 3).

In view of the significant differences between the disclosure in Multer and claims 2, 3, 12 and 13 of the present application, applicant believes that these claims are patentable over Multer.

(B) Claims 8 and 17 are patentable over Multer because Multer does not teach the use an algorithm as digital content.

Claims 8 and 17 recite that at least one digital content comprises an algorithm. In rejecting claim 8, the Examiner did not cite any teaching in Multer on using algorithm as digital content. The Examiner did point to figure 8, item 804 in Multer as basis for rejecting claim 17. A review of Multer indicates that item 804 is a personal digital assistant computing device (see col. 9, lines 7-12). Thus, there is no basis in rejecting claims 8 and 17.

(C) Other Claims

Other claims depend from claims 2 or 12 (directly or indirectly). They are patentable on at least the same basis as claims 2 and 12.

Ser. No. 09/836,397   6

Conclusion

It is believed that all grounds of rejection have been satisfactorily answered. The allowance of the rejected claims is respectfully urged.

Respectfully Submitted

November 14, 2006

Hark C. Chan

Hark C. Chan

Ser. No. 09/836,397   7

CLAIM APPENDIX

2.   A system for communication through a wide area network, said system comprising:

an apparatus comprising:

a wide area interface adapted to communicating with at least one portable unit via said wide area network; and

a wireless local interface adapted to communicate with said at least one portable unit when said at least one portable unit is located within a domain;

said at least one portable unit comprising:

a wide area interface for communication with said apparatus via said wide area network; and

a wireless local interface adapted to communicate with said apparatus when said at least one portable unit is located within said domain,

wherein at least one member of said apparatus and said at least one portable unit generates non-deterministic digital contents at multiple times without user action at these times, said one member uses its wireless local interface to deliver at least one of said digital contents to another member of said apparatus and said at least one portable unit, said digital contents being used by said apparatus and said at least one portable unit as identification in communication via said wide area network.

3.   The system of claim 2 wherein said one member comprises a random number generator used for generating said digital contents.

4.   The system of claim 2 wherein said apparatus and said at least one portable unit each comprises a memory for storing said at least one non-deterministic digital content.

5.   The system of claim 2 wherein each of said wireless local interfaces comprises a radio frequency interface.

6.   The system of claim 2 wherein said at least one portable unit is a cellular phone.

7.   The system of claim 2 wherein said at least one portable unit is a personal digital assist device.

8.   The system of claim 2 wherein said at least one digital content comprises an algorithm.

9.   The system of claim 2 wherein said at least one digital content comprises a digital code.

10.   The system of claim 2 wherein said wireless local interface of said apparatus and said at least one portable unit performs authentication in delivering said at least one digital content.

11.   The system of claim 2 wherein said one member can detect a presence of said another member and delivers said at least one digital content to said another member automatically without user intervention.

12.   A method for an apparatus and a portable unit to communicate through a wide area network, comprising:

generating non-deterministic digital contents by one of the apparatus and the portable unit at multiple times without user action at these times;

while the apparatus and portable unit are within a domain, wirelessly delivering at least one of the digital contents by the one of the apparatus and the portable unit to another of the apparatus and the portable unit; and

using the at least one of the digital contents as identification in communication between the apparatus and the portable unit via the wide area network.

Ser. No. 09/836,397   9

13.   The method of claim 12 wherein the one of the apparatus and the portable unit comprises a random number generator for generating the digital contents.

14.   The method of claim 12 wherein the delivering is conducted using radio frequency signals.

15.   The method of claim 12 wherein the portable unit is a cellular phone.

16.   The method of claim 12 wherein the portable unit is a personal digital assist device.

17.   The method of claim 12 wherein the at least one digital content comprises an algorithm.

18.   The method of claim 12 wherein the at least one digital content comprises a digital code.

19.   The method of claim 12 wherein the delivering comprises authenticating at least one of the apparatus and the portable unit.

20.   The method of claim 12 wherein the one of the apparatus and portable unit can detect a presence of the another of the apparatus and the portable unit and deliver the at least one digital content to the another automatically without user intervention.

Ser. No. 09/836,397   10

EVIDENCE APPENDIX

RELATED PROCEEDINGS APPENDIX